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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 MARK HUNGERFORD,

No. CIV S-04-1455-LKK-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 HEROUX, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to
19 Local Rule 72-302(c)(21).

20 On November 10, 2005, the magistrate judge filed findings and recommendations
21 herein which were served on plaintiff and which contained notice to plaintiff that any objections
22 to the findings and recommendations were to be filed within ten days. Plaintiff has filed
23 objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
25 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
26 file, the court finds the findings and recommendations to be supported by the record and by

1 proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed November 10, 2005, are adopted
4 in full;

5 2. Plaintiff's motion for injunctive relief is denied;

6 3. Plaintiff's request for a hearing (Doc. 21), and request to amend his
7 motion for injunctive relief (Doc. 22) are denied as moot;

8 4. Defendant Glover, who is deceased, is dismissed from the action;

9 5. Defendant Heroux's motion to dismiss is granted;

10 6. The complaint is dismissed with leave to amend; and

11 7. Plaintiff shall file a first amended complaint within 30 days of the date of
12 service of this order.

13 DATED: March 20, 2006.

14 /s/Lawrence K. Karlton
15 LAWRENCE K. KARLTON
16 SENIOR JUDGE
17 UNITED STATES DISTRICT COURT
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